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28/11/07

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) NO. 7039/2007

PETITIONERS

1. Gyanbai, D/o Jaimangal, aged about 50 years, R/o Vill. Nagoi, Post Binjhra, Tahsil Katghora, District Korba (C.G.)
2. Bhagwan Singh, aged about 52 years, R/o Vill. Nagoi, Post Binjhra, Tahsil Katghora, District Korba (C.G.)
3. Phul Bai, D/o Jagannath, Aged about 42 years, R/o Vill. Lakhanpur, Post Surtara, Tah. Katghora, District Korba (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Sub Divisional Officer, Sub Divisional No.1, Public Works Department (PWD) Katghora, District Korba (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Presence :

Shri V.K. Tekam, Counsel for the petitioners.

Shri A.S. Kachhwaha, Govt. Advocate for the State.

ORAL ORDER

(26.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that a permanent Gang-man is to be retired at the age of 62 years in accordance with the *Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam* 1967 read with Fundamental Rules, 56. He also submits that the point raised has been decided by this Court in batch of matters i.e. W.P. No. 108/2005 and many other connected matters on 04.01.2007, reported in ***2007(2) C.G.L.J. 29 (Govind & Others Vs. State of C.G. and others)*** and this

matter is squarely covered by that decision, which may be disposed of on the same terms.

Learned counsel for the State fairly agrees that this matter is covered by the said decision. However, he submits that in some matters the State has filed writ appeals.

Unless some interim order is passed, merely on account of filing of the writ appeal, hearing of this writ petition cannot be kept in abeyance, when the matter is squarely covered by the said judgment.

In the result, this petition is allowed.

It is disposed of in terms of the order dated 04.01.2007 passed in W.P. No. 108/2005 and other connected matters. No order as to cost.

Sd/-
Sunil Kumar Sinha
Judge

Shyna